

MEMBERS PRESENT

Peg Birney
Tom Chang, Alternate
Thomas J. Knips, Chairman
Robert LaColla
Sheila Lahey, Vice Chair
Robert Rahemba
Joel Sasser, Alternate
David Stenger

MEMBERS ABSENT

Brian Callahan

OTHER PRESENT

John V. Andrews Jr., P.E., Town Engineer
Maryann Johnson for J. Theodore Fink, AICP, Town Planning Consultant
John A. Morabito, Town Planning Consultant
Scott L. Volkman, Esq., Town Planning Board Attorney
Julie Fisher
Ziggy Rutan
Scott Gance
William Goebel
Paul Trefz
Wayne Akstin
Michael Gillespie, P.E.
Pete Galotti
Daniel Zalinsky
Mark A. Day, P.E.
Steve Spina
Katherine Griffin
Liz Dreeban

The meeting was called to order at 7:094 p.m. by Thomas J. Knips, Chairman. Mr. Knips appointed Mr. Sasser to fill in for Mr. Callahan this evening.

SIGNAGE

WAL-MART - ROUTE 9, FISHKILL

Mr. Colsey stated Wal-Mart is before the Board this evening primarily for a façade change. Mr. Knips stated the color swatches are very close to the illustration.

Ms. Fisher stated the new corporate color is more earth tones. Mrs. Lahey asked if Wal-Mart will be repainting. Mrs. Fisher stated yes this will require that they repaint the exterior of the building.

Ms. Birney asked if Ms. Fisher if she had a photograph of a store that currently has the colors being proposed. Ms. Fisher stated no she does not.

SIGNAGE
WAL-MART - ROUTE 9, FISHKILL
(CONTINUED)

Mrs. Lahey asked Ms. Fisher to go over the signage changes. Ms. Fisher stated the signs are going to be physically different but the verbiage will stay the same. Mr. LaColla asked if the signage is backlit. Ms. Fisher stated that the Wal-Mart on the super center is currently backlit and will remain that way.

Mr. Knips stated that the Town has passed a new sign law so this should be in accordance with the new sign code.

Mr. Knips stated the existing signs have a sunset provision. Ms. Fisher stated what if they put the old sign back up. Mr. Knips stated the new super center is smaller but the code says it cannot be internally illuminated.

Ms. Birney suggested that this be referred to Mr. Volkman for his opinion and perhaps he needs time to get back to the Board with his findings. Mr. Volkman stated his inclination is a replacement sign is a new sign and must be in accordance with the new sign ordinance.

Mr. Knips asked the Board if they had any comments on the color changes. It was the consensus of the Board that the colors as proposed this evening are acceptable.

Mr. LaColla made a motion that a letter is prepared and signed authorizing the color changes by Mr. Colsey. Seconded by Mrs. Lahey. Motion carried.

Mr. Knips stated as far as the signage the proposal is to make the super center sign smaller. Mr. LaColla stated he has a concern that if Wal-Mart is held to the same standard others will have a problem.

Mrs. Lahey asked what the sunset provision is on the current sign. Ms. Birney stated that the owners of any sign that is non-compliant with the current code must be notified and then a ten-year clock starts ticking.

Ms. Fisher stated if she leaves the sign the way it is she doesn't have to comply for ten years. Mr. Knips stated yes as long as the current sign remains.

Ms. Fisher suggested that the Board look at photographs of a Wal-Mart with smaller signs because surprisingly smaller signs aren't necessarily more appealing but on large buildings requests for larger signage have been made as it makes the building look smaller.

Mr. Knips asked Ms. Fisher if she would like the Board to wait to look at the signage until counsel reviews it. Ms. Birney stated that if we start to approve smaller signs that are still non-compliant that sets a precedent.

Ms. Fisher asked if there are provisions for maintenance of the signs. Mr. Knips stated if he remembers correctly the sign is allowed to be removed for a period of 30 days otherwise the new sign provisions take affect.

SIGNAGE
WAL-MART - ROUTE 9, FISHKILL
(CONTINUED)

Ms. Fisher asked if the Board finds the smaller sign acceptable and a possibility to consider or is it something that appeals visually. Ms. Birney stated she believes we are caught in no-mans land as to being in compliance with the current sign code and that is her personal opinion.

Ms. Fisher stated the Board is granting approval for the colors and she can advise Wal-Mart that they can use the exact same signs as existing and can take them down for no more than thirty (30) days. Mr. Knips stated yes.

NEW SUBMITTAL
DUTCHESS GASTRO - AMENDED SITE DEVELOPMENT PLAN

Mr. Rutan stated he is requesting approval to amend the existing Site Development Plan approval for the reconfiguration of the entrance of 400 Westage to better define the perimeter road to service 500 Westage Business Center and 600 Westage Business Center properties. Mr. Ninnie stated that the project will consist of the installation of new curb and asphalt, new stop signs, pavement markings, new landscaping with islands within the reconfigured entrance and there will be some curb and asphalt demolition. Mr. Ninnie stated that the parcel for this proposal is located at 400 Westage Business Center Drive, in the PSC (Planned Shopping Center) Zoning District and consists of 7.62 acres.

Mr. Rutan stated the sole purpose of this reconfiguration is the developments of Lot No. 5 and Lot No. 6. Mr. Andrews stated the current configuration of the entrance brings you to the Dutchess Gastro/Marist Building; the idea is to reconfigure it to create more of a through-image distracting people from the front of Dutchess Gastro Building to the road in the back.

Ms. Birney asked if the outside perimeter will be an exit way. Mr. Andrews stated it is designed that way but no one will probably do that. Mr. Andrews stated it was always designed as a primary access road. Ms. Birney stated it is sort of like an ultra long cul-de-sac. Mr. Andrews stated in an emergency this will function as a loop nothing will prohibit using it as an emergency route. Mr. Andrews stated at any given point in all of these parking areas there is more than one way to get there. Mr. Rutan stated there will be a sign application forthcoming. Mr. Andrews stated this is effectively an amendment to Lot 4 known as Dutchess Gastro.

Mr. LaColla asked what provisions were made for pedestrian access across to the Mack Cali building. Mr. LaColla stated we probably want to improve it with some raised strip. Mr. Rutan stated on his property he will be glad to do.

Ms. Birney asked if there is existing roadway lighting. Mr. Rutan stated yes all the way through until the road ends. Mrs. Lahey asked if there is sidewalk on one side. Mr. Rutan stated yes on one side.

Mr. Andrews stated this application is for the improvements to the roadway that the gentleman for Spring Hill Suites mentioned previously to the Board.

FINAL

NEW SUBMITTAL
DUTCHESS GASTRO - AMENDED SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Knips asked if a completed application, EAF, application fees and escrow deposit have been received; Ms. Davis stated yes.

Ms. Birney made a motion that the Board accept the application and refer it to the Town Engineer, Town Municipal Development Director, Town Planning Consultant, Town Building Department, Town Planning Board Attorney, Dutchess County Department of Planning and Development and the Rombout Fire District for their review and comments. Seconded by Ms. Lahey. Motion carried.

PUBLIC HEARING
MCDONALD'S RESTAURANT - AMENDED SITE DEVELOPMENT PLAN

The public hearing was called to order at 7:36 p.m. by the Board. Mr. Knips read aloud the Notice of Public Hearing.

Mr. Goebel stated that he is seeking approval to amend the existing Site Development Plan approval to remove and replace the existing cooler box, to relocate the trash enclosure and to upgrade the existing landscaping and building façade. Mr. Goebel stated that the parcel for this proposal is located at 453 Route 9, in the PSC (Planned Shopping Center) Zoning District.

Mr. Goebel stated they have received the comments from the consultants previously which they have now addressed.

Mr. Knips asked if there was anyone who had question, comments or concerns regarding this proposal.

Mr. Oberhauser stated he believes whatever they plan to do will be an improvement and is in favor of the changes proposed.

Mr. Andrews reviewed his memorandum to the Board dated January 12, 2005; a copy of this memorandum is attached to the original minutes.

Ms. Birney stated they are going to improve the parking lot and Home Depot has improved their parking lot. Mr. Andrews stated Home Depot is taking that little piece in the front and there are some improvements that are necessary at the south entrance. Ms. Birney stated the road at the south end is literally the pits. Mr. Andrews stated he will check his notes regarding the south entry.

Mr. Knips asked is there an opportunity to close the McDonald's parking lot and repave and utilize the Home Depot parking lot. Mr. Andrews stated he is not aware of the lease agreements.

Ms. Johnson stated she had no other comments and that the applicant has addressed her landscaping concerns.

FINAL

PUBLIC HEARING
MCDONALD'S RESTAURANT - AMENDED SITE DEVELOPMENT PLAN
(CONTINUED)

Ms. Birney asked if the roof gutters have been changed. Mr. Goebel stated they have to keep the ones they proposed. Ms. Birney stated she believes that is a design element that the Board was not in favor of including the roof lighting which is not in accordance with current sign code. Ms. Birney stated the roof lighting tends to be an older feature. Mr. Goebel stated that is not true at all, it is actually a functional part of the go forward designs for McDonald's. Ms. Birney stated it doesn't fit within the Town of Fishkill code. Mr. Goebel stated their interpretation of the code is different.

Mr. Knips asked if there were any further questions, comments or concerns. There was no response from those in general attendance.

Mr. LaColla made a motion to close the public hearing at 7:50 p.m. Seconded by Ms. Lahey. Motion carried.

Mr. Goebel stated none of Mr. Andrews he has received this evening are an issue.

Mr. Andrews stated the next step is the preparation of a Resolution of Preliminary approval but does note that Ms. Birney's concerns have been brought up previously and cautions the Applicant that unless the appearance of the building is addressed there may not be a positive vote by the Board.

Mr. LaColla recommended that the signage issue be referred to Mr. Volkman for his opinion. Mr. Volkman stated he is prepared to issue an opinion and was working on one with respect to this issue, unfortunately left his file at his office. Mr. Volkman stated this is an application for an Amended Site Development Plan which is the subject of full review for the Board and Ms. Birney is correct the new sign code would not permit the roof sign and there is a question as to whether the lighting on the roof is a sign, and will issue a written opinion by the next Planning Board meeting.

Mr. Goebel stated he does not disagree that this Board has jurisdiction over the roof as they don't consider the roof lighting as signage. Mr. Volkman stated there is sufficient authority under the current code that it be addressed as part of this application. Mr. Goebel stated they certainly can bring the roof sign within the square footage.

Mr. Knips stated we did have the discussion that there are McDonald's without the roof beams. Mr. Goebel stated that is correct. Mrs. Lahey asked if Mr. Goebel if had a picture of the current sign being proposed. Mr. Goebel stated he does not.

Mr. Knips stated the Board is heading to allow the McDonald's to look as much as a McDonald's like the Hess Station across the street is allowed to look as much as a Hess Station.

Mr. Trefz stated once you get off the exit ramp on I-84 there is no direction as to where to go for McDonald's so the roof beams are critical to the project. Mr. Knips stated the Board will certainly take that into consideration.

PUBLIC HEARING
MCDONALD'S RESTAURANT - AMENDED SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. LaColla made a motion that a Resolution of Preliminary and Final Approval be prepared for the January 26, 2006. Seconded by Mrs. Lahey. Motion carried.

Mr. Knips asked Mr. Volkman if he is in position to issue an opinion on the roof lighting at the January 26, 2006 Planning Board meeting. Mr. Volkman stated yes.

PUBLIC HEARING
HOME DEPOT - AMENDED SITE DEVELOPMENT PLAN

The public hearing was called to order by the Board at 8:05 p.m. Mr. Knips read aloud the Notice of Public Hearing.

Mr. Greenberg stated the Applicant is seeking to amend the existing Site Development Plan approval for the construction of a sidewalk and landscaping abutting the adjacent building to the north. Mr. Greenberg stated that the parcel for this proposal is located on Route 9 in the Dutchess Mall, in the PSC (Planning Shopping Center) Zoning District and consists of 58.82 acres.

Mr. Knips asked if there was anyone who had questions, comments or concerns regarding this proposal. There was no response from those in general attendance.

Mr. Andrews reviewed his memorandum to the Board dated January 12, 2006; a copy of this memorandum is attached to the original minutes.

Ms. Johnson reviewed Mr. Fink's memorandum to the Board dated January 12, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Knips asked if there were any further questions, comments or concerns regarding this proposal. There was no response from those in general attendance.

Mr. LaColla made a motion that the Board close the public hearing at 8:11 p.m. Seconded by Mrs. Lahey. Motion carried.

Ms. Johnson reviewed the Type 2 Action Resolution.

Mr. LaColla made a motion that the Board adopt the Type 2 Action Resolution. Seconded by Mrs. Lahey. Motion carried.

Mr. LaColla made a motion that the Board prepare a Resolution of Preliminary and Final Approval for review at the January 26, 2006 Planning Board meeting. Seconded by Mrs. Lahey. Motion carried.

PUBLIC HEARING
HOME DEPOT - AMENDED SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Knips asked if there is something this Board needs to do to address the signage for Home Depot. Mr. Andrews stated that this is specific amendment for the sidewalk and doesn't think Mr. Volkman gave his opinion either way. Mr. Andrews suggested that the Board obtain Mr. Volkman's opinion prior to the next meeting.

NEW SUBMITTAL
THALLE INDUSTRIES, INC. - AMENDED SITE DEVELOPMENT PLAN

Mr. Laiola introduced himself as the representative for this project. Mr. Laiola stated that the Applicant is requesting an approval to amend the existing Site Development Plan & Special Use Permit Approval to remove three (3) existing maintenance/storage structures which are in poor condition and replace them with a new 60' x 100' maintenance building. Mr. Laiola stated that the parcels for this proposal are located at 172 Route 9, in the PI (Planned Industry) Zoning District and consist of 72.16 acres.

Mr. Laiola stated the building will not be visible from Route 9 at all and is a steel building. Mrs. Lahey asked what color the building will be. Mr. Laiola stated the Board can pick one as it's not going to be seen from Route 9. Mr. Laiola stated there is no signage.

Mr. Andrews asked if NYSDEC acknowledgement is required under the terms of the mining permit. Mr. Akstin stated not to his knowledge.

Mr. Stenger asked if the building is going to be heated. Mr. Laiola stated no. Mr. Akstin stated they are removing small cargo containers and putting the items they store in them into this new building.

Mr. Knips asked if a completed application, EAF, application fees and escrow deposit have been received; Ms. Davis stated yes.

Mr. LaColla made a motion that the Board accept the application and refer it to the Town Engineer, Town Municipal Development Director, Town Planning Consultant, Town Building Department, Town Planning Board Attorney, Dutchess County Department of Planning & Development, New York State Department of Transportation, NYS DEC and the Rombout Fire District for their review and comments. Seconded by Ms. Birney. Motion carried.

NEW SUBMITTAL
COUNTRY INNS & SUITES - SITE DEVELOPMENT PLAN

Mr. LaColla stated he has a potential conflict and is recusing himself from this discussion.

Mr. Gillespie introduced himself as the representative for this project. Mr. Gillespie stated that Mr. Newman, the Applicant is requesting approval to demolish the hotel known as Bardos Fishkill Motor Inn and construct a new 77 room hotel.

NEW SUBMITTAL
COUNTRY INNS & SUITES - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Gillespie stated that the improvements to the site shall include the leveling of the site for parking areas, installation of drainage structures and drainage improvements, removal of the existing sewage disposal system, installation of water service and a modification to the ingress and egress of the site and property improvements to facilitate this modification. Mr. Gillespie stated that the parcel for this proposal is located at 767 Route 9, in the GB (General Business) Zoning District and consists of 4.21 acres.

Mr. Knips suggested putting the parking lot in the back of the building. Mr. Gillespie stated they will look at that option. Ms. Birney suggested turning the building the other way instead having all the asphalt up front.

Mr. Andrews stated the Board needs to do some research on this as the Quality Inn obtained an interpretation on this issue from the ZBA before the actual application came before this Board. Mr. Andrews stated this is not a complete application and the Board can wait for the elevations to be submitted and schedule it for acceptance at the next meeting.

Mr. Andrews stated the Board can accept this and then the Building Officials can review it for compliance. Mr. Andrews suggested that Mr. Gillespie be allowed to submit the elevations drawings to Ms. Davis by January 20, 2006 and if they are received this be scheduled for acceptance at the January 26, 2006 Planning Board meeting. The Board agreed with Mr. Andrews.

REVIEW
THE CREST AT FISHKILL - FRESHWATER WETLANDS, WATERCOURSE &
WATERBODY PERMIT

Mr. Volkman stated that he suggested to the Applicant earlier this evening he leave as this is not complete. Mr. Volkman suggested that this be scheduled as the first review item at the January 26, 2006 Planning Board meeting. The Board agreed with Mr. Volkman.

REVIEW
CEDAR VIEW DEVELOPMENT SUBDIVISION - BOND REDUCTION

Ms. Birney made a motion that the Board schedule a public hearing at 7:30 p.m. or as soon thereafter as possible at the January 26, 2006 Planning Board meeting. Seconded by Ms. Lahey. Motion carried.

REVIEW
LANDS OF KENNETH W. DAVIES, JR. - SUBDIVISION

Mr. Andrews reviewed his memorandum to the Board dated January 12, 2006; a copy of this memorandum is attached to the original minutes.

Ms. Johnson asked if a shared driveway was ever discussed. Mr. Povall stated no. Mr. Andrews stated there doesn't seem to be any reason why a shared driveway cannot be accommodated.

FINAL

REVIEW
LANDS OF KENNETH W. DAVIES, JR. - SUBDIVISION

Mr. Knips asked how far the proposed driveway is from the lot line. Mr. Povall stated 10'.

Ms. Johnson reviewed Mr. Fink's memorandum dated January 12, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Knips asked if the driveway does exceed 10%. Mr. Povall stated yes it is at 12% grade.

Mr. LaColla made a motion that the Board declare its intent to serve as lead agency and to circulate for Lead Agency status. Seconded by Ms. Birney. Motion carried.

Mr. LaColla made a motion that the Board set a public hearing for February 23, 2006 at 7:30 p.m. or as soon thereafter as possible. Seconded by Mrs. Lahey. Motion carried.

REVIEW
WESTAGE LOT 5 HOTELS - SITE DEVELOPMENT PLAN

Mr. Andrews reviewed his memorandum to the Board dated January 12, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Andrews stated the traffic study indicates that the levels of service will not change and is not inconsistent with the original study that was done for the Westage Business Center however; there are some improvements that need to be made. Mr. Andrews stated a condition should be added that the striping and signage improvements identified in the traffic study be completed before issuance of a certificate of occupancy. The Board agreed with Mr. Andrews.

Mr. Knips asked if the striping is becoming a problem at the Westage Business Center. Mr. Andrews stated yes. Mr. Knips asked if someone from the Town needs to go down to Westage to see what kind of improvements need to be done. Mr. Andrews stated a letter can be sent to the Westage Business Center indicating that it is a violation of the site plan. Mr. Andrews stated it clearly indicates in the traffic study that the restriping and signage need to be completed.

Mr. Andrews suggested that Mr. Colsey or the Building Inspector prepare and sign a letter to the Westage Business Center indicating that these items need to be done. The Board agreed with Mr. Andrews that such letter be prepared, signed and mailed to the Westage Business Center.

Mr. Andrews stated there is no mechanism for enforcement of maintenance on private roadways. Mr. Andrews stated the Town tends to stay out of private roads as it is a civil matter. Mr. Andrews stated what is different here is that this is within a Planned Shopping Center District so it can be enforced here.

Mr. Knips stated if we identify an area that is in violation of a site plan can the Board continue to issue an approval. Mr. Volkman stated the Board can act on it and doesn't believe that any suggestion is being made that there is a violation and the answer is to condition the approval as suggested by Mr. Andrews.

FINAL

REVIEW
WESTAGE LOT 5 HOTELS - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Andrews stated the Board can link any future activity to an improvement based on a timeframe by the Board and can also have the current Applicant adhere as a condition of the approval. Mr. Gance stated they are a minority and are one of many. Mr. Rutan stated there has been a change in terms of control here and as part of a new budget a significant amount of money has been allocated for repaving around the Mack-Cali area and the repairing of significant pot holes. Mr. Rutan stated the parking lots have been taken out of the maintenance association and are the responsibility of the lot owners.

Mr. Knips stated not too long ago we had a similar discussion about the road along the Towne Center. Mr. Andrews stated that is part of what the traffic study indicates.

Mrs. Lahey suggested that additional sidewalk be added along the lake area where the areas are flat and the sidewalk become contiguous with the sidewalk at Dutchess Gastro. Mr. Andrews stated a condition can be added to the Resolution of Approval. The Board agreed that this condition should be added to the Resolution.

Mr. Oberhauser stated he sees a lot of cars going the wrong way and they need more signage.

Ms. Birney asked if the Board received final signage details in accordance with the new sign ordinance.

Mr. Volkman stated the new sign code talks about existing signs that already exist and most importantly the sign code contains no provisions for grandfathering in any type of approval before a sign is actually erected. Mr. Volkman stated the new sign ordinance doesn't exemplify anything and doesn't believe there is a basis to issue an approval based on a sign that has not been erected yet and is in non-conformance.

Mr. Knips stated that the applicant offered previously that the signage as illustrated is a major issue if it cannot be approved as it is proposed. Mr. Gance stated he will have to take this back to the corporate office and doesn't know what their answer is going to be.

Mr. Andrews stated the Board can continue with review of the resolution and exclude signage and if the Board had to there only other option is to deny the application because the signage is not in conformance with the code. Mr. Andrews stated he believes that what the Board is suggesting is that a final approval be issued that excludes signage which is better than nothing. Mr. Gance stated he will bring this back to his corporate office.

Mr. Colsey reviewed the Draft Resolution of Final Approval.

Mr. Andrews suggested the language be modified indicating that this will be one lot of record as there is no subdivision taking place.

Ms. Birney made a motion that the Board waive the final public hearing. Seconded by Ms. Lahey. Motion carried.

FINAL

REVIEW
WESTAGE LOT 5 HOTELS - SITE DEVELOPMENT PLAN
(CONTINUED)

Ms. Birney suggested on condition number 3 that “prior to the issuance of a building permit” be included. Mr. Andrews agreed with Ms. Birney. Mr. Gance agreed with this modification.

Mr. Andrews suggested that condition number 5 be stricken as it does not apply. Mr. Andrews suggested that condition 9 be omitted and replaced with the language that was utilized in the Resolution for the Quality Inn Hotel. Mr. Gance agreed to this modification.

Mr. Andrews suggested that the sidewalk issue has two components: That the sidewalks for this site is intended to connect the sidewalk on the adjoining property and that this be completed prior to the issuance of certificate of occupancy.

Mr. Andrews suggested that \$3,500.00 be included in item number 12. Mr. Andrews suggested that condition number 14 be modified to include representations that have been made to him and by him.

Mr. LaColla made a motion that the Board adopted the Resolution of Final Approval as amended during the course of discussion this evening and that the Chairman sign it. Seconded by Mrs. Lahey. Motion carried.

REVIEW
MID-HUDSON MEDICAL GROUP - SITE DEVELOPMENT PLAN

Mr. Rutan stated the elevations have dramatically changed from what the Board saw last time. Mr. Rutan stated the buildings have been set out, the windows have been group and a gable has been added to each end.

Mr. Stenger stated we see a lot of new hotels and commercial buildings that are outside this area that coming here and most of it has been detailed. Mr. Stenger stated the original rendering was horrible; it was just a big box and is a cheap way to build it. Mr. Stenger stated the new rendering is certainly more detailed but leaves it up to the rest of the Board as to whether this is enough detail or not.

Mr. Rutan stated they have attempted to respond to the comments to create a more interesting and exciting architecture. Mr. Rutan stated specifically to provide a larger canopy and at the same time responding to the issue of the scale where we have a material change on the ground floor which is brick and ties into the canopy. Mr. Rutan stated the façade is broken up to the entrance elements and the ends of the building have been brought out which is reflected with the change of the roof line.

Ms. Birney asked if there are material changes on the face of the building. Mr. Rutan stated the first floor is brick and second floor is a pre-fabricated stucco panel. Ms. Birney stated on the current rendering there is white shown but it is different from the drawing before the Board this evening. Mr. Rutan stated the drawing received by the Planning Department on December 9, 2005 depicts the correct colors.

FINAL

REVIEW
MID-HUDSON MEDICAL GROUP - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Stenger stated it is his opinion that the box hasn't been broken up enough but the architect is probably working with the budget he has. Mr. Stenger stated this is the rest of the Board's call and this is a lot better than it was. Mr. Stenger stated we went over the Home Depot many times and the Board did a great job. Mr. Rahemba stated maybe putting brick on parts of it like Spring Hill Suites would help.

Mr. LaColla stated he agrees with Mr. Stenger and we know what looks good and what looks less than optimum and thinks this has come a long way. Mrs. Lahey stated she agreed with Mr. LaColla.

Mr. LaColla asked if hip roof caps have been investigated. Mr. Rutan stated no they think given the use, the site and comments from the Board we feel this rendering is reasonable solution to the architectural concerns.

Mr. Knips stated he is a little concerned that the building may not work inside due to the windows. Mr. Rutan stated the interior has been significantly changed due to the new architectural rendering.

Mr. Stenger stated it is not the Board's intent to create a function problem. Mr. Stenger stated he doesn't believe changing the roof will cause a problem. Mr. Ninnie stated this type of construction does not allow the roof to be changed further.

Mr. Knips stated he is sensing from Mr. Rutan that he is not happy. Mr. Rutan stated he is happy he just wants to get going with the project and at some point we need to get away from designing and start construction.

Mr. Knips stated visually from the exterior this is an improvement and the Board's intent was not trying to drive up the cost of the interior of the building or exterior of the building. Mr. Rutan stated that has not happened it has been consistent to the original guidelines.

Mr. Knips asked if any further refinements or adjustments can be made. Mr. Rutan stated that is the nature of the process you are looking at a schematic design and hopes this is satisfactory to the Board so he can start detailing the issues of textures and stone, etc.

Ms. Birney asked Mr. Stenger and Mr. LaColla if they just have trouble with the roof. Mr. Stenger stated he just can't understand why the roof can't be broken up with overlays. Mr. Stenger stated the building needs to be functional too and understands this is a different type of construction than the hotel. Ms. Birney asked if there is something that can be done to add overlays to the roof without creating any impact to the functionality of the building. Mr. Rutan stated he believes this building addresses the Board's concerns and there gets to be a point when you play too much things look forced and contrived and it's bad design and bad construction.

Mr. Andrews suggested that there are some other actions that can be taken and that the Board go through them and revisit this later.

FINAL

REVIEW
MID-HUDSON MEDICAL GROUP - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Andrews reviewed the Negative Declaration that was prepared for the Board for its consideration this evening.

Mr. LaColla made a motion that the Board adopt the Negative Declaration. Seconded by Mrs. Lahey. Motion carried.

Mr. Andrews reviewed his memorandum to the Board dated January 12, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Andrews stated the plan for Lot 6 which indicates items that will be completed before a certificate of occupancy is issued should become part of a condition on the Resolution of Final Approval.

Mr. Knips suggested that the Fire District may want a graded right next to utilities for emergency access prior to certificate of occupancy. Mr. Rutan agreed to include such notation on the plan.

Mr. Colsey reviewed the Resolution of Preliminary and Final Approval.

Mr. Knips asked if a Resolution of Preliminary Approval would set things back. Mr. Rutan stated yes they have no more time and would like to obtain both a Preliminary and Final Approval.

Ms. Lahey made a motion that the Board waive the final public hearing. Seconded by Mr. LaColla. Motion carried.

Mr. Andrews stated on condition number 5 there is one easement that has been fully executed and is acceptable but defers to Mr. Volkman. Mr. Volkman stated his only concern is that it expires on October 21, 2006. Mr. Rutan stated it will be completed by then. Mr. Volkman stated condition number 5 can be deleted. Mr. Rutan agreed with this modification.

Mr. Andrews suggested that a condition including the striping and signage in accordance with the traffic study shall be completed prior to the issuance of a certificate of occupancy. Mr. Rutan agreed with this modification.

Mr. Andrews suggested that a TCO will be based upon the information obtained on drawing OV-1 as amended during the course of discussion. Mr. Rutan agreed to this modification.

Mr. Andrews suggested that the exclusion language regarding signage be included. Mr. Rutan agreed to this modification.

Mr. Andrews stated \$2,000.00 shall be included in condition number 12.

Mr. Andrews stated the Resolution of Approval on the table and one of the elements is the architectural and the Board can be poled and a motion can be made.

FINAL

REVIEW
MID-HUDSON MEDICAL GROUP - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Andrews stated Mr. Rutan has a very narrow window of opportunity here. Mr. Andrews stated no public hearing was held on the subdivision process so public hearing will need to be held at the next meeting to close the subdivision process.

Mr. Rutan stated he would like to obtain preliminary approval this evening and have the public hearing on the subdivision application on January 26, 2006.

Mr. LaColla made a motion that the Board schedule a public hearing at 7:30 p.m. or as soon thereafter as possible at the January 26, 2006 Planning Board meeting. Seconded by Mrs. Lahey. Motion carried.

Mr. LaColla made a motion that a Resolution of Preliminary and Final Subdivision approval be prepared for the January 26, 2006 meeting. Seconded by Ms. Lahey. Motion carried.

Mr. Andrews stated the Resolution of Preliminary and Final Approval for Site Plan will be modified to Preliminary Approval as amended during the course of discussion this evening. So moved by Mr. LaColla. Seconded by Mrs. Lahey. Motion carried.

Mr. LaColla stated he thinks a little more can be added to the roof line. Mr. Stenger agreed with Mr. LaColla it is a good looking building but its just too long or too straight and breaking up the roof line would be helpful.

Mr. Sasser stated he likes the building and Mrs. Lahey stated she would like more landscaping around the site.

Mr. LaColla made a motion that a Resolution of Final Approval - Site Development Plan be prepared for the next meeting. Seconded by Mrs. Lahey. Motion carried.

REVIEW
FISHKILL COMMONS @ WESTAGE - SITE DEVELOPMENT PLAN AND SUBDIVISION

Mr. Walters stated he is in receipt of comments from Ms. Johnson and Mr. Andrews this evening which are dated January 12, 2006. Mr. Waters stated the proposal has not changed from the original submittal.

Mr. Andrews asked if eight units is what the desired number is. Mr. Zalinsky stated yes.

Mr. Andrews stated this application is for a rezoning, site development plan and a subdivision. Mr. Andrews stated that one of the elements is the office buildings which is covered in end-notes of the EAF and this was looked at and needs to be included as part of the action as a worst case scenario. Mr. Andrews stated the overall WDG Dutchess was a generic site development plan approval for an entire park and as the site has gone through we've looked at the issues and have discussed traffic, the financial impacts and the switch from commercial to residential, issues with respect to the importation of fill and the biggest impact is that this is a fully developed site to Route 9.

FINAL

REVIEW
FISHKILL COMMONS @ WESTAGE - SITE DEVELOPMENT PLAN AND SUBDIVISION
(CONTINUED)

Mr. Andrews stated these need to be addressed and expanded. Mr. Andrews stated the other issues are fairly well taken care of but both he and Ms. Johnson are looking for an expansion of the consistency statements.

Mr. Walters stated they have written an additional response letter which addresses a lot of what Mr. Andrews just said. Mr. Andrews stated the progressive approval will all be commercial and you are now making a substantial leap to senior residential and understands Mr. Walter's argument but both he and Ms. Johnson need more specifics.

Mr. Walters stated he has provided a letter from Ecological Solutions which he believed addressed the wetlands issue. Mr. Andrews stated there was a submittal done earlier so we need a letter stating it was done and valid that puts the issue to rest.

Mr. Andrews stated this site is going to be contributing to a downstream pumping station which is under the ownership of Wal-Mart so the Town will need an evaluation of the condition and capacity of this to support the current proposal.

Mr. Rang asked if it would be possible to speak directly to the consultants. The Board agreed that Mr. Rang can speak directly to the consultants.

Mr. Andrews stated when the Town Board does adopt the rezoning the plan must be essentially the same as the site plan so there is a little buffering that needs to be done.

Mr. Andrews stated he is still a little concerned of the traffic pattern and how it is supposed to flow. Mr. Andrews stated he finds the traffic slightly awkward and is rare that this doesn't have a two way road all the way through.

Ms. Johnson asked if a gated community is needed. Mr. Rang stated yes it is a feature that is being sought after by the seniors.

Mr. Andrews stated he will review the traffic pattern further. Mr. Rang stated he will review the traffic pattern as well.

REVIEW
MERRITT PARK CONDOMINIUMS - RESUBDIVISION & SUBDIVISION

Mr. Andrews reviewed his memorandum to the Board dated January 12, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Volkman stated a note be included that suggests that permitting the expansion of the size it is not to be construed as approval to build on the adjacent lot.

FINAL

REVIEW
MERRITT PARK CONDOMINIUMS - RESUBDIVISION & SUBDIVISION
(CONTINUED)

Ms. Johnson reviewed Mr. Fink's memorandum to the Board dated January 12, 2006; a copy of this memorandum is attached to the original minutes.

REVIEW
HASBROUCK PLACE - SITE DEVELOPMENT PLAN

Mr. Andrews summarized his memorandum to the Board dated January 12, 2006; a copy of this memorandum is attached to the original minutes.

Ms. Johnson reviewed her memorandum to the Board dated January 12, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Andrews stated the water tower has been improved and is probably going to be the same height as the adjacent building.

Ms. Birney made a motion that the Board schedule a public hearing at 7:30 p.m. or as soon thereafter as possible at the January 26, 2006 Planning Board meeting. Seconded by Mr. LaColla. Motion carried.

REVIEW
RAINBOW RIDGE PET CEMETERY & CREMATORY
SPECIAL USE PERMIT & SITE DEVELOPMENT

Mr. Spina stated he has received the comment memoranda dated January 12, 2006 from Ms. Johnson and Mr. Andrews this evening; copies are attached to the original minutes.

Mr. Spina stated they are two (2) easements, one is the septic system and we have agreed to give the neighbor the easement and have filed legal letter with them. Mr. Spina stated the roadway does not follow entirely in the easements and his clients will provide an easement.

Mr. Andrews stated the documents were provided by the Title Company to both him and Mr. Volkman. Mr. Andrews stated the documents are unclear and would defer to Mr. Volkman. Mr. Volkman stated his copies were illegible and would like to take a look at the fresh copies. Mr. Volkman stated the septic issue will need to be resolved even if the neighbors need to be forced off your property. Mr. Andrews stated the Board of Health will approve easements on adjacent properties. Mr. Spina stated the Department of Health has visited this site.

Mr. Spina stated he will provide further detail for the monuments. Mr. Spina stated as far as the ashes we are talking about a tea cup full so we are not talking about large disbursements of ashes on the property.

FINAL

REVIEW
RAINBOW RIDGE PET CEMETERY & CREMATORY
SPECIAL USE PERMIT & SITE DEVELOPMENT
(CONTINUED)

Mr. Andrews stated the only issue he has is that the current driveway is a loop and he would prefer to see the cemetery be serviced off its own driveway and the other be kept open for emergency purposes and this will be a condition of approval.

Mr. Andrews stated that Mr. Goodwin did contact him and suggested he will work with the applicants and doesn't know exactly what that means.

Mr. Andrews stated the next step for the Board is to draft a Resolution of Preliminary Approval for the next meeting. So moved by Mr. LaColla. Seconded by Ms. Lahey. Motion carried.

Mr. Andrews suggested that the applicants go to the Building Department to ensure they are in compliance with the sign ordinance.

REVIEW
PIONEER REALTY HOLDINGS, INC.

Mr. Andrews reviewed his memorandum to the Board dated January 12, 2006; a copy of this memorandum is attached to the original minutes.

Ms. Johnson reviewed Mr. Fink's memorandum to the Board dated January 12, 2006; a copy of this memorandum is attached to the original minutes.

It was the consensus of the Board that a continuation of review will take place at the January 26, 2006 to review comments from the NYSDEC and the Department of Health.

REVIEW
SCARPELLI SUBDIVISION

Mr. Andrews reviewed the letter from the NYS DOT dated January 12, 2006.

Mr. Gillespie stated the NYSDOT is not absolutely saying no as long as sight distance is improved.

Mr. Andrews reviewed his memorandum to the Board dated January 12, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Andrews suggested that he will prepare a letter indicating the Board is in support of the new layout and send it to the Board for their approval.

Ms. Johnson reviewed Mr. Fink's memorandum to the Board dated January 12, 2006; a copy of this memorandum is attached to the original minutes.

FINAL

DECEMBER 8, 2005 PLANNING BOARD MEETING MINUTES

Mr. Knips stated the Chair will entertain a motion to adopt the December 8, 2005 Planning Board Meeting Minutes as amended. So moved by Mr. LaColla. Seconded by Mrs. Lahey. Motion carried.

Mr. LaColla made a motion that the close the meeting at 12:05 a.m. Seconded by Mrs. Lahey. Motion carried.

Respectfully submitted,
Debbie Davis
Planning Board Secretary

Attachments to the original minutes